



The User Group for Network Leaders

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July 31, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th St. SW Suite TW-A325  
Washington, DC 20554

RE: In the Matter of Number Resource Optimization, CC Docket No. 99-200

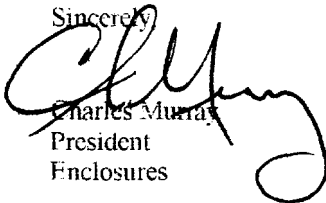
Dear Ms. Salas:

Please find enclosed an original and four copies of the Communications Managers Association's Comments in Support of SBC Communications Emergency Petition for Partial Stay and for QWEST's Request for Expedited Deferral of Effective Date or, Alternatively, a Waiver or Stay of Portions of soon-to-be-effective Rule 47 C.F.R. Section 52.15 (f).

Please acknowledge the receipt of these Comments by stamping both the enclosed copy of this letter and the attached copy of the Comments, returning them to the undersigned in the enclosed self-addressed stamped envelope.

Should you have any questions regarding the enclosed Comments, please do not hesitate to contact the undersigned at 860.277.9323.

Sincerely,

  
Charles Murray  
President  
Enclosures

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<sup>2</sup> See *Numbering Resource Optimization*, 65 Fed. Reg. 37703 (June 16, 2000).

Over the years, the CMA has retained its status as a non-profit, tax-exempt entity. Every January, members elect a 10-member governing Board of Directors. Currently, the association's membership numbers more than 165 of America's largest and most visible corporations. Member company representatives are managers charged with strategically planning and implementing communications networks and technological applications for their organizations. While the bulk of the member companies are headquartered on the eastern seaboard, their communications managers enjoy a scope of responsibilities and span of control that extend nationwide and, frequently, worldwide.

Traditionally, the CMA has offered only one membership classification, that of voting member. With the advent of the 1990s, the decision was made to broaden the association's membership base by designating four new membership classifications: Honorary, Student, Retired and Sustaining. While the first three are fairly self-explanatory, the fourth applied exclusively to vendor companies - those involved in the production, sale, rental or provision of telecommunications services, equipment or consulting support. The CMA has restructured its membership again to open the CMA's benefits to a broader industry segment. The two new areas will be "Members" and "Partners." "Members" will comprise Voting, Retired and Honorary categories. "Partners" will include Vendor, Consultant, Education and Association categories.

CMA is firmly committed to implementation of vigorous number conservation measures, as its positions in this proceeding document. CMA does not oppose a 45-day reservation rule for residential customers. However, the record established in the proceeding since the release of the *NRO Order* demonstrates that a 45-day reservation rule will cause significant – and irreparable – injury to business and governmental customers. Given that the existing record does not demonstrate that current number reservation practices are a material contributing factor to the number crisis, coupled with the Commission's commitment to reexamine the number reservation period following further consideration by NANC, the Commission should stay enforcement of the new number reservation rule, at least as applied to business and governmental customers.

## **I. Background Facts**

The Commission in its *NRO Order* established a 45-day reservation period and further declared that “we will not allow for any extensions.”<sup>3</sup> The Commission determined that permitting carriers to reserve numbers “invites abuse” and that limiting reservations to 45 days “reasonably balances the needs of carriers to earmark and set aside a number or group of numbers for a particular customer against the objective of improving the efficiency of numbering resource use.”

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<sup>3</sup> Numbering Resource Optimization, CC Docket No. 99-200, Report and Order, FCC 00-104, at ¶ 24 (March 31, 2000) (“*NRO Order*”). As a matter of law, the FCC may not refuse to meaningfully consider a waiver of the 45-day reservation rule. See, e.g., *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969). However, given that hundreds of thousands of business and governmental customers are impacted by the reservation rule, a waiver process is not practically feasible – to customers, carriers, or regulators.

Although declining “at this time” to allow for extensions of the 45-day reservation period, the Commission acknowledged that it would reconsider this period in the near future. Specifically, it committed to reexamine the 45-day period once NANC has an opportunity to evaluate various fee structure approaches:

If an economically sound approach for establishing a fee structure on extensions for *reserved numbers* can be developed, we would reconsider our current position prohibiting the grant of any extensions for *reserved numbers*.

The problem with this approach, as the Emergency Stay Petition explains, is that numbers currently reserved will be reassigned by the time the Commission has an opportunity to reconsider the reservation period. Simply stated, not only will the damage be done, but the damage will also be irreversible.

## **II      Record evidenced Demonstrates that a Stay is necessary to Prevent Widespread Irreparable Injury**

“The *sine qua non* for the grant of a motion for stay is a showing of irreparable injury that will result from the agency decision in the absence of injunctive relief. To justify a stay, “the alleged harm must be great, imminent, and certain to occur unless the stay is granted; the harm must also be irreparable.” All of these conditions are present here.

Numerous businesses and governmental entities of all kinds have advised the Commission since the release of its *NRO Order* that a 45-day reservation period will harm them greatly. For example, the State of Illinois states that it has “grave concerns” because a 45-day reservation period “will greatly harm our ability to cost-effectively deliver services to our 150,000 line constituency”:

The State sees an incalculable increase in its cost of doing business under your new order...Loss of the ability to install additional “lines” in a pre-defined number range will severely hamper, if no prevent, our ability to further deploy service offerings using ISDN for switched video services.

The State of Indiana states that the 45-day reservation period “will cause irreparable harm to the State of Indiana’s ability to provide low cost effective services to the approximate 21,000 customer lines.” Similarly, the City of Tulsa, Oklahoma advises that the 45-day reservation period “will necessitate our migration up from 4-digit dialing. That change will negatively affect our operations and our 4,000 internal users. Additionally, there would be a considerable expense to modify and upgrade the City of Tulsa’s communications systems including

- Voice Mail
- Automatic Call Directors
- On-line employee directory
- Internal long distance billing
- Other systems

In general for Centrex or Plexar business companies, government agencies and educational institutions the inability to reserve blocks of numbers and turn up portions or individuals numbers as needed provides maximum efficiency and provides for similar functionality in PBX technology. While we currently pay a fee to reserve numbers the cost to activate all numbers in the common block will be a hardship and will ultimately be passed on as higher tuition costs, increase taxes and lower profits.

The problem with the 45-day rule is that is a problem in which the solution will cost the business users millions of dollars. Example: 11 digit dialing will require re-programming every customer data base identified to every phone number, PBX, Centrex, Plexar, auto-dialer and computer.

An example of the negative impact this will have to a major metropolitan city would be their ability to maintain multiple exchanges as a common dialing plan would be eliminated, non-city entities would be assigned numbers within the common blocks, numbers would change if removed (deactivated) for more than 45 days, residents would have to be provide up to date agency numbers are on more frequent basis.

Since many of the Centrex users have retained exclusive use of common blocks for extended periods of time and for some back to the 1960's the number ranges have become identified with that business companies, government agencies and educational institutions.

An example of the potential problem: would be the following: potential for people to misrepresent themselves as part of municipal government, both the municipal government and the new user of a reassigned number getting flooded with calls by business customer and citizens mis-dialing their number or making an incorrect assumption that the number is a municipal number, and always the concern of potential illegal or criminal activity by individuals masking themselves as a government entity.

An example of the potential impact: large corporate networks covering multiple regions or states would have to be redesigned and updated frequently to insure correct routing of inter-company calls or transactions.

An example of the potential impact: business customers involved in large complex Centrex (Plexar) installations for new locations or relocations would not be able to order in advance (reserve) large common blocks of numbers while in the process of building a new building or when relocating portions of their employees. In this situations maintaining common blocks of numbers at both the existing and new locations is necessary to maintain our businesses. .

As an end user organization we will actively work within our user companies to insure that only reasonable common numbering blocks are reserved to order to demonstrate that we are not involved in any warehousing but only reserving numbers to insure continuity of our businesses.

As an end user organization we will actively work with the carriers to insure that their practices maintain up-to-date practices that insure inventory of numbers and assignments.

Finally, the issue of telephone number conservation should not directed toward large Centrex network users who must use telephone number reservations as a planning mechanism as an alternate to deploying traditional PBX's. It is the CMA's position that the rulemaking focus be limited to how carriers warehouse telephone numbers not related to any customer which should be limited to the 45 day rule and in thousand number blocks with pooling for LNP capable carriers.

Clearly the CMA advocates the position with the FCC that large Centrex enterprise users/networks should be treated the same as PBX DID users to avoid problems that the Rule would create.

It is also a certainty that this grave and widespread harm will occur. The new rule effective on July 17, 2000, numbers held in reserve status must be placed in the available category no later than September 1, 2000. Given the Commission's new sequential number assignment rule, which requires carriers to assign "all available numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block," many of the numbers currently reserved for one customer will be quickly assigned to different customers.

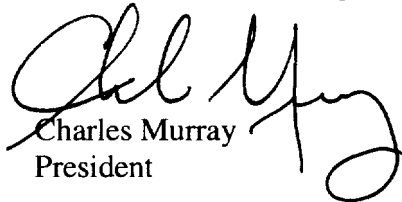
It is also undisputed that the injury thousands of business and governmental customers will sustain will be irreparable. Once numbers reserved for one customer are assigned to other customers, it will be impossible in most instances for the first customer to reacquire these numbers. As a practical matter, the reserved numbers will be lost forever.

CMA acknowledges that the current environment gives carriers the opportunity to misuse the number assignment process by warehousing or stockpiling numbers (through falsely classifying numbers as reserved). However, at the present time, there is *no* evidence suggesting that any carrier, much less a sizable group of carriers is misusing the process by misclassifying numbers as reserved. Importantly, these facts will be available later this year, after carriers submit their first semi-annual utilization reports. Once this utilization data becomes available, the Commission can ascertain whether there is a problem with reserved numbers and if so, whether the best solution is a rule of general or an enforcement action against a few offending carriers.

In summary, CMA does not oppose 45-day reservation rule as applied to residential customers. However, all available record evidence demonstrates that without a stay, business and governmental customers throughout the country would face great and irreparable injury by enforcement of a 45-day reservation period. For all the foregoing reasons, CMA respectfully requests that the Commission expeditiously enter a stay of Rule 52.15(f)(1)(vi) as applied to business and governmental customers.

Respectfully submitted,

Communications Managers Association

  
Charles Murray  
President

July 31, 2000

## CERTIFICATE OF SERVICE

CMA has forwarded copies of the foregoing CMA Comments in Support of Emergency Petition for Partial Stay by U.S. Mail to the following persons:

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